

REMARKS

The Applicants request review of the application in view of this Response. As discussed below, claims 32-50 are believed to be clearly differentiated from the prior art, therefore, allowance is requested.

Maloy et al. (U.S. 4,546,897)

Independent claim 32 recites *means* located within the test reactor to destroy the vessel in order to open the vessel. The means language of claim 32 must be interpreted to read on only the structures or materials disclosed in the specification and equivalents thereof. *See In re Donaldson*, 16 F.3d 1189, 1193 (Fed. Cir. 1994); *In re Alappat*, 33 F.3d 1526, 1540 (Fed. Cir. 1994) (*en banc*). The means located within the test reactor to destroy the vessel in order to open the vessel disclosed in the present specification include means for dissolving the vessel material and/or the vessel cover material in a solvent (*See* ¶ 0054), means for mechanically destroying the vessel located provided in the test reactor such as a rotating stirring element (*See* ¶¶ 58-60), and means for destroying the vessel by impacting the vessel in the test reactor (*See* ¶ 62). *Maloy et al.* does not disclose any of these structures or materials or equivalents thereof.

Maloy et al. discloses a container sealed with a rubber finger cot or prophylactic and a spring wire puncture bridge attached to the container. To breach the rubber finger cot/prophylactic the atmospheric pressure surrounding the sealed container is lowered causing the rubber finger cot/prophylactic to expand and contact the spring wire puncture bridge thereby puncturing the rubber finger cot/prophylactic. Thus, *Maloy et al.* does not disclose the same or equivalent *means* located within the test reactor to destroy the vessel in order to open the vessel that are recited by claim 32.

Because *Maloy et al.* does not disclose the same or equivalent *means* located within the test reactor to destroy the vessel in order to open the vessel that are recited by claim 32, independent claim 32 is not anticipated by *Maloy et al.* under 35 U.S.C. § 102(b). Dependent claims 33-44 contain features that further distinguish the claims from the disclosure of *Maloy et al.* and, thus, also are not anticipated by *Maloy et al.* under 35 U.S.C. § 102(b).

Independent claim 45, which does not appear to be clearly addressed by the rejection, includes, among other features, a valve, a first conduit, a second conduit, and means for

transferring a substance from a closed vessel through the first conduit to the valve when the closed vessel is in the synthesis chamber and from the valve through the second conduit to the test reactor. Maloy *et al.* does not disclose a valve, a first conduit, a second conduit, or means for transferring a substance from a closed vessel through the first conduit to the valve when the closed vessel is in the synthesis chamber and from the valve through the second conduit to the test reactor. Because Maloy *et al.* does not disclose a valve, a first conduit, a second conduit, and means for transferring a substance from a closed vessel through the first conduit to the valve when the closed vessel is in the synthesis chamber and from the valve through the second conduit to the test reactor, independent claim 45 is not anticipated by Maloy *et al.* under 35 U.S.C. § 102(b). Dependent claims 46-50 contain features that further distinguish the claims from the disclosure of Maloy *et al.* and, thus, also are not anticipated by Maloy *et al.* under 35 U.S.C. § 102(b).

Conclusion

For the reasons discussed above, the Applicants respectfully submit that the application is in condition for allowance and allowance is requested.

Respectfully submitted,



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